



PLANNING COMMISSION MEMORANDUM

Date: April 13, 2023 for April 19, 2023 scheduled meeting

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To: Planning Commission

From: Timothy M Thomure, PE, Interim Director, Deputy City Manager, and Executive Secretary

Subject: C8-23-01 Prohibition of Ornamental Turf Unified Development Code (UDC) Amendment (Citywide)

Issue – This is a public hearing to receive public input and discuss a proposed Unified Development Code (UDC) amendment to prohibit ornamental turf in new commercial, industrial, institutional, and common areas of residential development in order to further support water conservation measures administered by Planning and Development Services (PDS). This proposed amendment was initially directed by Mayor and Council during the October 18, 2022 study session to discuss water conservation measures related to the City Drought Response. At that meeting, staff was requested to research a potential ornamental turf ban and return to Mayor and Council with a proposal in 90 days (See Attachment A for the Legal Action Report from the October 18, 2022 study session). At the February 22, 2023 study session, Mayor and Council directed Tucson Water and PDS staff to continue with the formal amendment process for the proposal to prohibit ornamental turf in all new residential and commercial development. Staff was also directed to develop plans to phase out existing ornamental turf, which will be implemented through the City Code rather than the Unified Development Code and will be developed on a different timeline (See Attachment B for the Legal Action Report from the February 22, 2023 study session).

Per the direction of Mayor and Council from the October 18, 2022 meeting, City of Tucson Planning and Development Services Department and Tucson Water worked with community stakeholders to develop this Prohibition of Ornamental Turf, UDC Amendment (See Attachment C for the draft redline UDC Amendments). Various community engagements were conducted in person and virtually allowing for community feedback and dialogue to support the proposed language in this UDC Amendment.

Staff Recommendation – Staff recommends the Planning Commission recommend approval of the Prohibition of Ornamental Turf UDC Amendment to Mayor and Council.

Background – On October 18, 2022, Mayor and Council directed staff to develop an ordinance prohibiting ornamental turf in all new development.

Based on that feedback from Mayor and Council, staff from Planning and Development Services Department (PDS) and Tucson Water researched approaches taken by other municipalities,

reviewed relevant existing codes, developed the recommendations below, and presented them to members of the development community and other stakeholders at the following meetings:

- 1/19/2023 – Tucson Development Center Stakeholder Luncheon
- 1/23/2023 – Conservation and Education Subcommittee of the Citizens Water Advisory Committee (CWAC)
- 1/24/2023 – Metropolitan Pima Alliance Public Policy Committee
- 2/1/2023 – Water Conservation Code Amendment Stakeholder Meeting (online, public, publicized via PDS and Tucson Water email stakeholder lists and social media)

In general, stakeholders have not expressed concern over the prohibition of new ornamental turf, as very little turf area is currently permitted in new development. As noted above, staff hosted a Water Conservation Code Amendment Stakeholder Meeting on February 1, 2023. Most of the discussion about the ornamental turf ban at this meeting was related to the definition of ornamental turf and what would fall in that category. At that meeting, there was also discussion related to addressing ornamental turf in existing development (See Attachment D for a summary of the stakeholder meeting held on February 1st).

On February 22, 2023 Tucson Water Department Director, John Kmiec, updated Mayor and Council about the water shortage and drought on the Colorado River and the progress to enact restrictions on installing ornamental turf in new developments. (See Attachment A for a summary of the Legal Action Report from the February 22, 2023 Mayor and Council Study Session).

On March 15, 2023, the City of Tucson Planning Commission held a study session to review the proposed UDC amendment to prohibit ornamental turf in new commercial development. At that meeting staff presented the draft amendment and answered any questions that the Planning Commission had. The discussion was primarily related to the definition of ornamental turf, non-functional turf, and functional turf. See Attachment E for the Legal Action Report from the March 15, 2023, Planning Commission Meeting. Since the March 15, 2023, study session, PDS has received one comment in support of the proposed amendments (see Attachment F).

Present Consideration(s) – Currently, turf is allowed in new development in limited circumstances per the provisions of the oasis allowance which allows areas of non-drought tolerant landscaping that meet certain criteria. This allowance is not frequently utilized in new development.

Based on the direction from Mayor and Council, feedback from the stakeholders and the public, and research conducted, staff recommends amending the UDC Landscape Standards (7.6.4) to prohibit all ornamental turf in new development, and to include the following definition of ornamental turf developed for the Arizona Municipal Water Users' Association (AMWUA), (proposed redline UDC amendments related to the prohibition of ornamental turf are included in Attachment C):

- Grass areas with any single dimension of eight feet or less
- Grass areas exceeding a 4-to-1, or 25%, slope
- Grass areas that are not accessible by paved pathways and/or are restricted by physical barriers that prohibit accessibility
- Grass areas installed closer than ten feet to a street and/or in front entryways to residential neighborhoods or subdivisions where other recreational amenities do not exist

- Grass areas that are not utilized for active recreational purposes

In response to comments about the definitions of ornamental turf, non-functional turf, and functional turf, it should be noted that ornamental turf and non-functional turf are synonymous. Functional turf is defined as turf that does not meet any of the proposed criteria of ornamental turf and is used for active recreational purposes.

Staff also proposes to include a new definition of active recreation that would exempt the turf prohibition for areas such as schools, parks, sports fields, dog parks, or golf courses, or similar areas that commonly use turf for functional and recreational uses.

Plan Tucson Consideration(s) – This item is related to the Element of *Water Resources*. Specifically, this item is supported by the following policies:

- **WR1:** Continue to plan and manage the City’s water supplies, quality, and infrastructure for long-term reliability and efficiency.
- **WR3:** Expand effective water efficiency and conservation programs for City operations and for the residential, commercial, and industrial sectors.
- **WR6:** Integrate land use and water resources planning.
- **WR11:** Conduct ongoing drought and climate variability planning.

Attachment:

- A – Legal Action Report from the October 18, 2022 Mayor and Council Study Session
- B – Legal Action Report from the February 22, 2023 Mayor and Council Study Session
- C - Draft redline of UDC amendments for ornamental turf prohibition
- D - Summary of February 1, 2023 Water Conservation Amendment Stakeholder Meeting
- E – Legal Action Report from the March 15, 2023 Planning Commission Study Session
- F – Public Comment related to the proposed amendments